IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FOURTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 17138 of 2004

Between:

1 Perabathula Rama Rao, S/o Late Somaiah,
R/o Mulagalampally, Jeelugumilli Mandal, West Godavari District
2 Perabathula Venkateshwara Rao, S/o Late Somaiah,
R/o Mulagalampally, Jeelugumilli Mandal, West Godavari District
3 Perabathula Nageswara Rao, S/o Late Somaiah,
R/o Mulagalampally, Jeelugumilli Mandal, West Godavari District
4 Perabathula Subba Raju, S/o Late Somaiah,
R/o Mulagalampally, Jeelugumilli Mandal, West Godavari District

..... PETITIONERS

AND

1 The Dy.Superintendent of Police, CBCID, Vijayawada, Krishna District
2 The Mandal Revenue Officer, Jeelugumilli Mandal, West Godavari District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ or Order or direction in the nature of Writ of Mandamus declaring the action of the first respondent frequently calling us to produce records pertaining to the lands covered by notices dated 31-8-2004 by in person and through the second respondent is illegal, arbitrary, and violative of principles of natural justice and offends Article 21 Read with 300A of Constitution of India as it reflects our lives and property and consequently direct the 1st respondent as well as second respondent not to take any coercive steps including our agricultural operations with regard to out lands covered by the notices dated 31-08-2004

For the Petitioners:MR.NARAM.NAGESWARA RAO, Advocate

For the Respondents: GP FOR REVENUE

The Court at the admission stage made the following :

ORDER:

The petitioners claim to be the absolute owners of the property, as mentioned the impugned notices dt. 31-8-2004 issued by the Mandal Revenue Officer, Jilugupalli, having inherited from their ancestor, who acquired the same prior to 1902 filed the present writ petition stating that their ancestor and after him the petitioners have been in possession and enjoyment of the petition lands since 1902. While so, in the political fight between the two groups led by CPI and CPM, the first respondent along with the second respondent conducted an enquiry in the Gram Panchayat Office four months back, where the petitioners produced revenue records pertaining to the ownership of the said land and after satisfying the ownership, they assured that no action would be taken against them. Then all of a sudden, Mandal Revenue Officer, Jilugumilli by the impugned notices dt. 31-8-2003 called upon the petitioners to produce necessary documents, as they are required by the Deputy Superintendent of Police in connection with investigation in Cr.No.55/2002 of Jangareddygudem Police Station.

It is contended by the counsel for the petitioners that the petitioners are no way connected with the crime and they are not having any pattedar passbooks and title deeds as they succeeded the property from their ancestor.

Having regard to the fact that MRO issued impugned notices calling upon the petitioners to produce necessary documents, it is always open for them to file their explanation stating that they have not obtained any pattedar passbooks and title deeds over the subject lands before the Mandal Revenue Officer, Jilugumilli, and on making such representation, he shall take appropriate action pursuant to the impugned notices in accordance with law.

The writ petition is accordingly disposed of.

A.GOPAL REDDY,J

Dt. 24-9-2004

kmr

To

1 The Dy.Superintendent of Police, CBCID, Vijayawada, Krishna District
2 The Mandal Revenue Officer, Jeelugumilli Mandal, West Godavari District

3. 2 CCs to the Govt., Pleader for Revenue, High Court Buildings, Hyderabad (OUT)

4. 2 CD copies